



# Housing Act 2004

## 2004 CHAPTER 34

### PART 4

#### ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

### CHAPTER 1

#### INTERIM AND FINAL MANAGEMENT ORDERS

##### *Interim and final management orders: other general provisions*

#### **129 Termination of management orders: financial arrangements**

- (1) This section applies where an interim or final management order ceases to have effect for any reason.
- (2) If, on the termination date for an interim management order [<sup>F1</sup>that is not made under section 102(7A)], the total amount of rent or other payments collected or recovered as mentioned in section 110(3) exceeds the total amount of—
  - (a) the local housing authority's relevant expenditure, and
  - (b) any amounts of compensation payable to third parties by virtue of decisions of the authority under section 128,the authority must, as soon as practicable after the termination date, pay the balance to such relevant landlord, or to such relevant landlords in such proportions, as they consider appropriate.
- (3) If, on the termination date for an interim management order, the total amount of rent or other payments collected or recovered as mentioned in section 110(3) is less than the total amount of—
  - (a) the authority's relevant expenditure, and
  - (b) any amounts of compensation payable as mentioned in subsection (2)(b),

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the difference is recoverable by the authority from such relevant landlord, or such relevant landlords in such proportions, as they consider appropriate.

- (4) If, on the termination date for a final management order, any amount is payable to—
- (a) a third party, or
  - (b) any relevant landlord in accordance with the management scheme under section 119,

that amount must be paid to that person by the local housing authority in the manner provided by the scheme.

- (5) If, on the termination date for a final management order, any amount is payable to the local housing authority in accordance with the management scheme, that amount is recoverable by the local housing authority—

- (a) from such relevant landlord, or
- (b) from such relevant landlords in such proportions,

as is provided by the scheme.

- (6) The provisions of any of subsections (2) to (5) do not, however, apply in relation to the order if —

- (a) the order is followed by a final management order, and
- (b) the management scheme contained in that final management order provides for that subsection not to apply in relation to the order (see section 119(5)(c) and (d)).

- (7) Any sum recoverable by the authority under subsection (3) or (5) is, until recovered, a charge on the house.

- (8) The charge takes effect on the termination date for the order as a legal charge which is a local land charge.

- (9) For the purpose of enforcing the charge the authority have the same powers and remedies under the Law of Property Act 1925 (c. 20) and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

- (10) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.

- (11) If the order is to be followed by a licence granted under Part 2 or 3 in respect of the house, the conditions contained in the licence may include a condition requiring the licence holder—

- (a) to repay to the authority any amount recoverable by them under subsection (3) or (5), and
- (b) to do so in such instalments as are specified in the licence.

- (12) In this section—

“relevant expenditure” has the same meaning as in section 110;

“relevant landlord” means a person who was the immediate landlord of the house or part of it immediately before the termination date or his successor in title for the time being;

“rent or other payments” means rents or other payments payable under leases or licences or in respect of furniture within section 126(1);

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“the termination date” means the date on which the order ceases to have effect.

**Textual Amendments**

**F1** Words in s. 129(2) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 3 para. 11](#); [S.I. 2018/393](#), reg. 2(b)

**Commencement Information**

**II** S. 129 wholly in force at 16.6.2006; s. 129 not in force at Royal Assent see s. 270(4)(5); s. 129 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with [Sch.](#)); s. 129 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)